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Attorneys for Plaintiffs MARK BODE,  
JASON ASHER and MARTY COOK

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

MARK BODE, JASON ASHER, and  
MARTY COOK, on behalf of  
themselves and all others similarly  
situated,

Plaintiff,

vs.

C.R. ENGLAND, INC.,

Defendant.

Case No: 3:20-cv-01620-JCS

Assigned to the Hon. Joseph C. Spero

**NOTICE OF DISMISSAL  
PURSUANT TO FEDERAL RULE  
OF CIVIL PROCEDURE  
41(a)(1)(A)(i)**

Date Action Filed: March 5, 2020

1 Plaintiffs MARK BODE, JASON ASHER and MARTY COOK  
2 (“Plaintiffs”), by and through their counsel of record, hereby dismiss this entire  
3 action pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) as follows:

4 WHEREAS, on February 17, 2021, the Court entered an order: (1)  
5 dismissing Plaintiffs’ putative class action allegations and representative claims  
6 under the Private Attorneys General Act (PAGA); (2) requiring Plaintiffs to pursue  
7 their remaining individual claims in separate, individual arbitrations; and (3)  
8 staying the lawsuit pending the completion of the three individual arbitrations.

9 WHEREAS, the dismissal of the class and representative claims was made  
10 pursuant to a stipulation filed by the parties on or about February 12, 2021, in light  
11 of a previous order granting final approval in a separate wage and hour action  
12 entitled *William Gradie et al. v. C.R. England, Inc.*, Case No. 2:16-cv-00768-DN  
13 (D. Utah), which had alleged the same, similar and/or overlapping class and  
14 representative action claims.

15 WHEREAS, the dismissal was without prejudice to the class and  
16 representative claims.

17 WHEREAS, the parties have since engaged in good-faith settlement  
18 discussions and have executed a settlement resolving all of Plaintiffs’ remaining  
19 individual claims.

20 WHEREFORE, Plaintiffs hereby dismiss their remaining claims in this  
21 action pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i):

22 1. All claims asserted by Plaintiffs against Defendant C.R. England, Inc.,  
23 remaining in this lawsuit after the above-referenced Order of February 17, 2021,  
24 shall be, and hereby are, dismissed with prejudice.

25 2. Plaintiffs and Defendant C.R. England, Inc. each agree to bear their  
26 respective attorneys’ fees and costs.

27 3. Plaintiffs agree that this notice of dismissal shall have the effect of  
28 dismissing this entire action.

Date: December 13, 2021 SCHNEIDER WALLACE COTTRELL  
KONECKY LLP

By: /s/ Joshua C. Konecky

Joshua C. Konecky

Attorneys for Plaintiffs Mark Bode, Jason  
Asher, and Marty Cook

**CERTIFICATE OF SERVICE**

I hereby certify that on December 13, 2021, I electronically filed the foregoing. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Date: December 13, 2021

SCHNEIDER WALLACE  
COTTRELL KONECKY LLP

By: /s/ Joshua C. Konecky  
Joshua C. Konecky